

REMARKS

Applicants have paid the Issue Fee on October 21, 2004. After payment thereof Applicants noted a defect in the claimed subject matter that may affect the patentability of some of the claims. This Supplemental Amendment corrects that defect.

Applicants are filing concomitantly herewith a Petition to Withdraw Application from Issue so that prosecution on the merits can be reopened and the present Amendment can be entered.

Claims 1, 24, 27 and 30 have been amended to delete the term hydroxymethyl from the definition of R¹. It is respectfully submitted that the present Amendment to the claims overcome the potential defect to the claims. Besides the aforesaid amendments, Claims 2, 14, 17 and 22 have been amended to correct minor grammatical errors. More specifically, Claim 2 has been amended to remove the "and" for "or" in the definitions of R^{B1}, R^{B2}, R^{B3}, R^{B4} and R^{B5} and Claim 14 has been amended to replace the period at the end of (a) with a semicolon. Claim 17 has been amended to correct the spelling of antagonist, while Claim 23 has been amended to recite the various cardiovascular agents in the singular, rather than the plural..

No new matter has been added to the application.

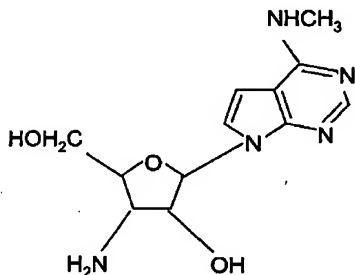
Applicants have not abandoned the deleted subject matter and reserve the right to file a continuation application directed thereto.

Applicants have amended Claims 1, 24, 27 and 30 to correct defects therein. After paying the Issue Fee, Applicants reviewed one of the references cited by the United States Patent and Trademark Office in an Official Action, viz. U.S. Patent No. 2,852,502 to Baker et al. ("Baker"). This patent was cited in the Office Action dated October 25, 2003, wherein the United States Patent and Trademark Office rejected the subject matter in Claims 1-6 (that were

pending at that time) under 35 U.S.C. §102(b), alleging that the subject matter therein was anticipated by Example 40 therein.

Although Applicants Response dated April 27, 2004 overcame the rejection, Applicants noted after payment of the Issue three other examples therein that were just as relevant as Example 40, *viz.* Ex. 27 (or 36), 52 and 53. Example 27 and 36 disclose 6-methylamino-9-(3-amino-3-deoxy-β-D-ribofuranosyl) purine, while Claims 52 and 53 disclose the corresponding 6-butylamino and the 6-cyclohexyl compounds respectively.

Example 36 (or 27) discloses a compound of the formula:



In each of the aforementioned Examples, the 5-position of the tetrahydrofuryl ring has a CH₂OH. As amended, Applicants have deleted the hydroxymethyl substituent from being a substituent on the 5-position in Claims 1, 24, 27 and 30. As amended, the claimed subject matter is not anticipated by or rendered obvious by the teachings in Baker et al.

Baker et al. disclose that the compounds therein are useful for the treatment in domestic animals of Trypanosomiasis, a disease caused by the presence of the body of a parasite of the genus Trypanosoma.


The compounds of the present invention are useful for reducing tissue damage resulting from ischemia. Thus, the utility of the present invention is quite different from that of Baker et al.

Baker et al. does not teach, disclose or suggest that any of the compounds therein have the utility recited in the method claims.

Further, Baker et al. does not teach, disclose or suggest the administration of the compounds therein can be co-administered with a second compound. More specifically, Baker et al. do not teach, disclose or suggest that a compound of Formula I can be administered with a second compound, which is either a glycogen, a phosphorylase inhibitor, a sorbital dehydrogenase inhibitor or aldose reductase inhibitor or a cardiovascular agent as claimed.

Thus, the only relevance of Baker et al. is to the compound claims. As described hereinabove, the specific compounds of Baker et al. identified hereinabove have a 5' hydroxymethyl substituent. As amended, none of the claimed subject matter in compound claims, viz. Claims 1, 24, 27 and 30 and those dependent therein have a CH₂OH substituent on the 5' position. Consequently the claimed subject matter thereof is not anticipated or rendered obvious by the teachings in Baker et al.

Thus, in view of the Amendment to the claims and the Remarks, herein it is respectfully submitted that the present case is in condition for allowance which action is earnestly solicited.

Respectfully submitted,

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